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Michael E. Deem

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EXAMINER

JACKSON, JENISE E

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/693,804	<b>Applicant(s)</b> DEEM ET AL.	
	<b>Examiner</b> JENISE E. JACKSON	<b>Art Unit</b> 2439	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-53 remain rejected under 35 U.S.C. 101 because the claims are directed to non-statutory subject matter.

3. Claims 1-53 are claiming “types of data”; however, it appears that they would reasonably be interpreted by one of ordinary skill in the art as non-functional descriptive material per se. Mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or composition of matter. Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture, or composition of matter, and should be rejected under 35 U.S.C. 101(See MPEP 2106.01).

Thus, dependent claims merely further recite “types of data”, thus do not cure the deficiency of Independent claims.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Wenocur et al.(2003/0009694).

6. As per claim 1, Wenocur et al. discloses a programming interface embodied on one or more computer readable media[0123], a first group of types related to core file system concepts[0118]; a second group of types related to entities that a human being can contact[0712]; a third group of types related to documents[0104-0105]; a fourth group of types common to multiple kinds of media[0719, 0840]; a fifth group of types specific to audio media[0735]; a sixth group of types specific to video media[0719]; a seventh group of types specific to image media[0117]; an eighth group of types specific to electronic mail messages[0094]; and a ninth group of types related to identifying particular locations[0088], wherein the programming interface provides callable multiple functions, wherein each one of the multiple groups of types provides a corresponding set of related ones of the multiple functions[0122-0123, 0166].

7. As per claim 2, Wenocur et al. discloses a tenth group of types related to moving data between file systems[0095].

8. As per claim 3, Wenocur et al. discloses a tenth group of types related to creating and managing rules for generating notifications [0028].

9. As per claim 4, Wenocur et al. discloses a tenth group of types describing types defined in all the other groups of types[0118].

10. As per claim 5, Wenocur discloses a tenth group of types related to base types that form a foundation to support all the other groups of types[0018, 0123].

11. As per claim 6, Wenocur et al. discloses a tenth group of types common to multiple kinds of messages, including the electronic mail messages; and an eleventh group of types specific to

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facsimile messages[0065].

12. As per claim 7, Wenocur discloses a tenth group of types related to annotations; and an eleventh group of types related to notes[0105-0108].

13. As per claim 8, Wenocur discloses a tenth group of types related to installed programs; and an eleventh group of types related to installed games[0779].

14. As per claim 9, Wenocur discloses a tenth group of types related to actions taken by a user; and an eleventh group of types related to maintaining and accessing help information[0797].

15. As per claim 10, Wenocur discloses a tenth group of types related to a natural language search engine[0831].

16. As per claim 11, Wenocur discloses a tenth group of types related to tasks in a user interface to let a user know what actions the user can perform when navigating the user interface[0127].

17. As per claim 12, Wenocur discloses a tenth group of types related to user tasks[0093].

18. As per claim 13, Wenocur discloses a tenth group of types related to services that can be accessed[0172].

19. As per claim 14, Wenocur discloses wherein the services can be accessed over a network[0090].

20. As per claim 15, Wenocur discloses a tenth group of types related to identifying access rights[0150].

21. As per claim 16, Wenocur discloses a tenth group of types related to calendar types[0086].

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22. As per claim 17, Wenocur discloses a tenth group of types related to creating and managing event monitoring and resultant actions[0121].
23. As per claim 18, Wenocur discloses a tenth group of types used for interop for each of the first through ninth groups of types[1124].
24. As per claim 19, Wenocur discloses an additional group of types for each of the first through ninth groups of bytes, wherein each of the additional groups of types are for interop[1124].
25. As per claim 20, Wenocur discloses a tenth group of types related to files stored in a file system[0118].
26. As per claim 21, Wenocur discloses a tenth group of types related to a category hierarchy [1124].
27. As per claim 22, Wenocur discloses means for exposing a first set of functions that represent core concepts of a file system of the system; means for exposing a second set of functions that enable maintaining information regarding entities that can be contacted; and means for exposing a third set of functions that allow document types to be accessed[0117-0118].
28. As per claim 23, Wenocur discloses means for exposing a fourth set of functions related to base types for a plurality of kinds of media; means for exposing a fifth set of functions related specifically to audio media; and means for exposing a sixth set of functions related specifically to video media[0719, 0735].
29. As per claim 24, Wenocur discloses means for exposing a seventh set of functions related specifically to image media[0117].
30. As per claim 25, Wenocur discloses means for exposing a fourth set of functions related

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specifically to electronic mail messages[0094].

31. As per claim 26, Wenocur discloses means for exposing a fourth set of functions that enable maintaining physical location information[0088].

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

32. Claims 27-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Lennon et al(2002/0152267).

33. As per claim 27, Lennon discloses a method of organizing a set of types for a file system into a hierarchical namespace[0149], the file system being one of multiple groups of types included in a programming interface, the method comprising: creating a plurality of groups from the set of types[0085-0086], each group containing at least one type that exposes logically related functionality of the programming interface; assigning a name to each group in the plurality, wherein one of the groups in the plurality includes functionality related to core concepts of the file system, wherein another of the groups in the plurality includes functionality related to entities that a human being can contact, wherein another of the groups in the plurality includes functionality related to document types that can be stored in the file system, and wherein another of the groups in the plurality includes functionality related to multiple kinds of media; and selecting a top level identifier and prefixing the name of each group with the top level identifier so that the types in each group are referenced by a hierarchical name that includes the selected top level identifier prefixed to the name of the group containing the type[0073-

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0080].

34. As per claim 28, Lennon discloses wherein another of the groups in the plurality includes functionality particularly for audio media, wherein another of the groups in the plurality includes functionality particularly for video media, and wherein another of the groups in the plurality includes functionality particularly for image media[0085, 0089].

35. As per claim 29, Lennon discloses wherein another of the groups in the plurality includes functionality related to electronic mail[0059].

36. As per claim 30, Lennon discloses wherein another of the groups in the plurality includes functionality related to maintaining physical location information[0071].

37. As per claim 31, Lennon discloses wherein the assigning comprises: assigning a name of Core to the group that includes functionality related to core concepts of the file system so that the hierarchical name for the group that includes functionality related to core concepts of the file system is System.Storage.Core[0148-0149]; assigning a name of Contacts to the group that includes functionality related to entities that a human being can contact so that the hierarchical name for the group that includes functionality related to entities that a human being can contact is System.Storage.Contacts[0175]; assigning a name of Documents to the group that includes functionality related to document types that can be stored in the file system so that the hierarchical name for the group that includes functionality related to document types that can be stored in the file system is System.Storage.Documents; and assigning a name of Media to the group that includes functionality related to multiple kinds of media so that the hierarchical name for the group that includes functionality related to multiple kinds of media is System.Storage.Media[0073-0080].



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38. As per claim 32, Lennon discloses wherein the assigning comprises: assigning a name of Core to the group that includes functionality related to core concepts of the file system so that the hierarchical name for the group that includes functionality related to core concepts of the file system is System.Storage.Core[0148-0149]; assigning a name of Contact to the group that includes functionality related to entities that a human being can contact so that the hierarchical name for the group that includes functionality related to entities that a human being can contact is System.Storage.Contact[0175]; assigning a name of Document to the group that includes functionality related to document types that can be stored in the file system so that the hierarchical name for the group that includes functionality related to document types that can be stored in the file system is System.Storage.Document; and assigning a name of Media to the group that includes functionality related to multiple kinds of media so that the hierarchical name for the group that includes functionality related to multiple kinds of media is System.Storage.Media[0073-0080].

39. As per claim 33, Lennon discloses a method for organizing a file system, the method comprising: creating a first namespace with functions that enable identification of particular physical locations[0071]; and creating a second namespace with functions that enable identification of entities that can be contacted by a human being[0075], wherein the first namespace and the second namespace are included in the file system, the file system being included in a programming interface[0071, 0075, 0122].

40. As per claim 34, Lennon discloses creating a third namespace with functions that enable documents to be described [0149].

41. As per claim 35, Lennon discloses creating a third namespace with functions specific to

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electronic mail messages[0094].

42. As per claim 36, Lennon discloses creating a third namespace with functions common to multiple kinds of media; creating a fourth namespace with functions specific to audio media; creating a fifth namespace with functions specific to video media; and creating a sixth namespace with functions specific to image media[0085, 0089].

43. As per claim 37, Lennon discloses creating a third namespace with functions that are expected to be used by all other namespaces[0149].

44. As per claim 38, Lennon discloses one or more computer readable media having stored thereon a plurality of instructions that, when executed by a processor, cause the processor to: create a first namespace with functions that enable identification of particular physical locations[0071]; and create a second namespace with functions that are expected to be used by the first namespace and a plurality of additional namespaces[0075], wherein the first namespace, the second namespace, and the plurality of additional namespaces are defined to organize a file system, the file system being included in programming interface[0122-0123].

45. As per claim 39, Lennon discloses wherein the instructions further cause the processor to: create a third namespace with functions that enable documents to be described; create a fourth namespace with functions that enable identification of entities that can be contacted by a human being; and create a fifth namespace with functions common to multiple kinds of media[0073-0080].

46. As per claim 40, Lennon discloses wherein the instructions further cause the processor to: create a sixth namespace with functions specific to audio media; create a seventh namespace with functions specific to video media; and create an eighth namespace with functions specific to

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image media[0085, 0089].

47. As per claim 41, Lennon discloses wherein the instructions further cause the processor to: create a third namespace with functions common to multiple kinds of media; create a fourth namespace with functions specific to audio media; create a fifth namespace with functions specific to video media; and create a sixth namespace with functions specific to image media[0073-0080, 0085, 0089].

48. As per claim 42, Lennon discloses calling one or more first functions that enable documents to be described; and calling one or more second functions that are core functions expected to be used by the one or more first functions as well as a plurality of additional functions[0075], wherein the one or more first functions, the one or more second functions, and the plurality of additional functions are defined to organize a file system, the file system being included in a programming interface[0122-0123].

49. As per claim 43, Lennon discloses calling one or more third functions common to multiple kinds of media[0073-0080].

50. As per claim 44, Lennon discloses calling one or more fourth functions specific to audio media; calling one or more fifth functions specific to video media; and calling one or more sixth functions specific to image media[0085, 0089].

51. As per claim 45, Lennon discloses calling one or more third functions that enable identification of entities that can be contacted by a human being[0175]; and calling one or more fourth functions that enable identification of particular physical locations[0071].

52. As per claim 46, Lennon discloses calling one or more third functions specific to electronic mail messages[0094].

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53. As per claim 47, Lennon discloses receiving one or more calls to one or more first functions that enable identification of entities that can be contacted by a human being[0175]; and receiving one or more calls to one or more second functions that are core functions expected to be used by the one or more first functions as well as a plurality of additional functions[0075], wherein the one or more first functions, the one ore more second functions, and the plurality of additional functions are defined to organize a file system, the file system being included in a programming interface[0122-0123].

54. As per claim 48, Lennon discloses receiving one or more calls to one or more third functions that enable documents to be described; receiving one or more calls to one or more fourth functions common to multiple kinds of media[0073-0080]; and receiving one or more calls to one or more fifth functions that enable identification of particular physical locations[0071].

55. As per claim 49, Lennon discloses receiving one or more calls to one or more sixth functions specific to audio media; receiving one or more calls to one or more seventh functions specific to video media; and receiving one or more calls to one or more eighth functions specific to image media[0085, 0089]; receiving one or more calls to one or more ninth functions specific to electronic mail messages[0094].

56. As per claim 50, Lennon discloses when executed by a processor, cause the processor to: receive one or more calls to one or more first functions that enable identification of entities that can be contacted by a human being[0175]; and receive one or more calls to one or more second functions common to multiple kinds of media[0073-0080], wherein the one or more first functions and the one or more second functions are defined to organize a file system, the file

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system being included in a programming interface[0122-0123].

57. As per claim 51, Lennon discloses wherein the instructions further cause the processor to: receive one or more calls to one or more third functions that are core functions expected to be used by the one or more first functions, the one or more second functions, and a plurality of additional functions[0094].

58. As per claim 52, Lennon discloses wherein the instructions further cause the processor to: receive one or more calls to one or more third functions that enable identification of particular physical locations[0071]; receive one or more calls to one or more fourth functions that enable documents to be described; and receive one or more calls to one or more fifth functions specific to electronic mail messages[0094].

59. As per claim 53, Lennon discloses wherein the instructions further cause the processor to: receive one or more calls to one or more third functions specific to audio media; receive one or more calls to one or more fourth functions specific to video media; and receive one or more calls to one or more fifth functions specific to image media[0085, 0089].

### ***Response to Amendment***

60. Claims 1-53 remain rejected under 101, because claims merely disclose software. There is no hardware claimed, that ties the claims to the software. The amended features that were added by the Applicant, merely call software, so thus, software calling software is rejected under 101.

61. The Applicant states that Wenocur does not disclose a programming interface having multiple groups of types, and wherein the programming interface provides callable multiple functions, wherein each one of the multiple groups of types provides a corresponding set of

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related ones of the multiple functions". The Examiner disagrees with the Applicant. Wenocur discloses a programming interface having multiple groups of types, because Wenocur discloses applications can include a storyteller, and email, and other applications, and each of these applications includes a run-time model, a compiler, and an application programming interface[0123]. Wenocur discloses the programming interface provides callable multiple functions, and wherein each one of the multiple groups of types provides a corresponding set of related ones of the multiple functions, because Wenocur discloses the API presents groups of functions that the applications can call to access the resources or services. The framework can be configured to support API calls placed by applications executing remotely from the servers that host the framework. Wenocur discloses the applications residing on clients, can use the API functions by making calls directly or indirectly to the API over the network[0122-0123, 0166].

62. The Applicant states that Lennon does not disclose the file system being one of multiple groups of types included in a programming interface. The Examiner disagrees with the Applicant. Lennon discloses descriptors can be videoclip, date and photographer and are declared in a particular schema[0085]. Lennon discloses when an identified metadata server receives a request, the server interprets the request and replies with an XML description that satisfies the request[0106-0108].

63. The Applicant states that Lennon does not disclose or suggest the organization of a file system into a hierarchical namespace, "the file system being one of the multiple groups of types included in a programming interface", and "each group containing at least one type that exposes logically related functionality of the programming interface". The Examiner disagrees with the Applicant. Lennon discloses each XML element in a description XML document is declared to

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belong to a uniquely identified namespace[0073]. Lennon discloses on receipt of the request the metadata server generates an XML description. The description is contained in an element declared to be of type Metadata collection and it contains returning links to the metadata server[0154].

64. The Applicant states that Lennon does not disclose hierarchically referenced namespaces. The Examiner disagrees with the Applicant. Lennon discloses index descriptors are typically leaf nodes of a hierarchically composed descriptor structure[0080-0081].

#### ***Final Action***

**65. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-

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3791. The examiner can normally be reached on Increased Flex time, but generally in the office M-Fri(8-4:30)..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 4, 2008

/J. E. J./

Examiner, Art Unit 2439

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434